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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/810,208

03/26/2004

Yuen Fai Wong

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08/27/2008

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EXAMINER

PATEL, CHANDRAHAS B

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

08/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/810,208

Applicant(s)

WONG ET AL.

Examiner

Chandrahas Patel

Art Unit

2616

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See continuation sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Frank Duong/
Primary Examiner, Art Unit 2616

Continuation of 11. NOTE: The request for reconsideration does not raise any new issues therefore the amendments will be entered. Applicant argues that Fig. 2, 140 of Maher does not teach aggregation module that receives data streams from plurality of ports and combines them. However, examiner disagrees. Col. 6, lines 5-14 teach Fig. 2, 102 can consists of plurality of ports. Therefore, if plurality of ports are sending data to 140 aggregation module combines these data stream and analyzes them in Payload Analyzer. Applicant further argues that the first processors and the aggregation module cannot be considered in isolation. However, the claim language does not offer any such functionality. Further, Scholten's ingress data processors are part of one circuit which is of Fig. 2, 204A. Applicant argues that each ingress data port does not receive the input data stream from the first processor. However, examiner disagrees. Scholten teaches Transmit FIFOs receive data from Ingress data processors which then send data to aggregation module. Applicant argues that Scholten does not teach second bandwidth is smaller than the first bandwidth. However, examiner disagrees. Scholten teaches sum of the aggregated bandwidths of data provided by the plurality of ingress ports is less than the data rate of the network 104. Fig. 3, 314 corresponds to ingress data processors which form the first data link and Fig. 3, 316 corresponds to egress data processors which form the second data link. Applicant argues that Scholten does not teach a second data link having a bandwidth greater than the first bandwidth. However, examiner disagrees. Scholten teaches aggregated data rate of the path is allowed to exceed the maximum data rate bandwidth. Applicant argues that Maher does not teach generating a packet descriptor which contains a reference to a memory location of its analyzed data packet stores in the memory. However, examiner disagrees. Context is used to load packets in and out of buffer as taught by Maher in Col. 9, lines 63-66 therefore context is used as a reference to memory location of data packets in memory. Applicant argues that Maher does not teach arbitrating and selecting a packet descriptor from among the priority queues. However, examiner disagrees. Maher teaches using context which are packet descriptors to retriever required block of information from the memory. Applicant argues that Scholten does not teach analyzing input data streams and each processor has an input analyzer. However, examiner disagrees. Scholten teaches the device diverts the packets based on a destination identifier. This is analyzing data packets based on destination identifier.